



KENTUCKY REGISTRY OF ELECTION FINANCE

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ADVISORY OPINION 2008-003

Any advisory opinion rendered by the Registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121.135(4).

October 2, 2008

Mr. William T. Warner, Esq.
Attorney at Law
207 McCready Avenue
Louisville, KY 40206
FAX # 502-891-8829

Dear Mr. Warner:

By letter dated September 10, 2008 (received September 11, 2008), you requested an Advisory Opinion on behalf of the Committee to Retain Judge David Holton (the "campaign committee") regarding the following facts:

The above-referenced campaign committee is planning a fundraiser to support its efforts to re-elect candidate David Holton as a Jefferson District Court Judge.¹ The theme of the planned event is "family pets." The campaign committee desires to have one or more distributors of pet supplies at the event. These distributors are organized as corporations. The pet supply distributors propose to distribute favors or samples of products to those attending the event, but will not pay or otherwise donate any money or anything else of value to the campaign committee.

You question, in light of Registry's prior application of Section 150 of the Kentucky Constitution, whether the presence of corporate pet supply distributors at the campaign committee fundraiser is proper under these circumstances.

¹ David L. Holton II currently serves as a District Judge in District 30, Division 16, Jefferson District Court. Source: <http://courts.ky.gov/counties/Jefferson/>.



As properly noted in your request, Section 150 of the Kentucky Constitution prohibits a corporation from using money or other things of value to influence an election. The prohibition against corporate influence in elections is further codified at KRS 121.035(1), which states as follows:

No corporation organized or authorized to do business in this state or in another state shall, by itself or by or through an officer, agent, attorney, or employee, subscribe, give, procure or furnish, or afterwards reimburse or compensate in any way any person who has subscribed, given, procured, or furnished, any money, privilege, favor, **or other thing of value** to any political or quasi-political organization, or any officer or member thereof, to be used by such organization for the purpose of aiding, assisting, or advancing any candidate for public office in this state in any way whatever. Id. (Emphasis added).

KRS 121.025 also states, in relevant part, that "(n)o corporation authorized to do business in this state or in another state, and no officer or agent of a corporation on its behalf, shall contribute, **either directly or indirectly**, any money, service, or other thing of value towards the nomination or election of any state, county, city or district officer in this state . . ." Id. (Emphasis added).

Kentucky law clearly prohibits corporations from distributing favors or samples, or otherwise giving "any thing of value" at a campaign committee fundraiser. To do so would add value to the event, thereby indirectly benefitting the campaign. Therefore, based on the facts described in your request, the presence of a corporate pet supply distributor and distribution of pet favors by the corporation to persons attending the fundraiser is prohibited by Kentucky law.

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request. If you have any questions concerning this opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,


Emily Dennis
General Counsel